

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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MARC GRANO, as personal  
representative of the WRONGFUL  
DEATH ESTATE OF JONATHAN  
ANDREW GARCIA, and a Next Friend  
to J.O.G., A.S.R., An.J.G., and Ar.J.G.,

Plaintiff,

vs.

STATE OF NEW MEXICO, GREGG  
MARCANTEL, New Mexico Secretary of  
Corrections, DAVID JABLONSKI, New  
Mexico Secretary of Corrections,  
CLARENCE OLIVAS, Deputy Warden  
of Penitentiary of New Mexico, BRIAN  
LUCERO, Corrections Officer, FNU  
MARTINEZ, Corrections Officer,  
FNU BACA, Captain, Corrections  
Officer, FNU WELLS, Sergeant,  
Corrections Officer, and JOHN DOES 1  
through 5, employees, staff, agents of  
Penitentiary of New Mexico,

Defendants.

No. 1:20-cv-00147-PJK-KK

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**ORDER TO SHOW CAUSE**

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THIS MATTER comes before the court sua sponte. Rule 4 states that “[t]he plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m).” Fed. R. Civ. P. 4(c)(1). Rule 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Plaintiff filed his complaint on February 20, 2020, which is more than 90 days ago. There is no indication in the record that Plaintiff timely served any defendant.

NOW, THEREFORE, IT IS ORDERED that Plaintiff shall, within 14 days of entry of this order, show cause why the court should not dismiss this case for failure to timely serve the Defendants. Failure to timely show cause may result in dismissal of this case without prejudice.

DATED this 25th day of June 2020, at Santa Fe, New Mexico.

/s/ Paul J. Kelly, Jr.  
United States Circuit Judge  
Sitting by Designation